

## **REMARKS**

### **I. Amendments**

By this amendment, claims 20, 21, 31 and 32 have been amended, and claim 30 has been cancelled.

Support for the modifications to the claims may be found in the specification and claims as originally filed.

No amendment of inventorship is necessitated by this amendment.

## **II. Discussion of Examiner's Response to Applicants' Previous Arguments**

Applicants strongly disagree with the Examiner's statement made on page 6 of the Office Action dated January 3, 2005 concerning her reasons for dismissing Applicants' arguments for patentability over Depui *et al.*

In their previous response, Applicants made the point that the dissolution time of their invention is a buccal dissolution time; while there is no indication of any buccal dissolution time in the cited reference.

In reply, the Examiner indicated that "[n]owhere in the claims require the testing procedures as being argued by the Applicant".

This statement is incorrect. Independent claims 20 and 21 both clearly recite buccal dissolution times. This *is* a point of differentiation between Applicants' invention and the cited art and it *is* claimed. The Examiner is therefore incorrect to dismiss the arguments concerning what the art does not teach about buccal dissolution times.

Furthermore, by this amendment, independent claim 32 has also been amended to recite buccal dissolution time.

### **III. Discussion of the Rejection under 35 U.S.C. Sec. 102(e) over Depui *et al.***

Claims 20, 21, 23-26 and 28-32 stand rejected under 35 U.S.C. Sec. 102(e) as allegedly being anticipated by Depui *et al.* (U.S. Patent No. 6,365,184). Applicants respectfully traverse the rejection.

By this amendment, independent claims 20, 21 and 32 have been amended to indicate that the sugar component of Applicants' invention as set forth in the pending claims as amended is separate from any sugar which may be found in the fine granules. Support for the amendment may be found at page 9, line 22 – page 10, line 5 *inter alia*.

The cited art does not indicate use of sugar in this way in the cited reference. Nor does the cited reference include examples of such a use of sugar. Specifically, in Examples 1-7, 10 and 11, the components listed under “tablets” do not include sugars.

For this reason as well as the reason stated in Sec. II above, Applicants do not believe that the cited art anticipates the aspects of their invention as set forth in independent claims 20, 21 and 32.

Claim 30 has been cancelled. Claims 23-26 depend upon claim 20; claims 28 and 29 depend upon claim 21 and claim 31 depends upon claim 32. Applicants submit that the more specific dependent claims are also not anticipated by the cited reference for the reason provided above.

Therefore, Applicants respectfully request withdrawal of the 35 U.S.C. Sec. 102(e) rejection.

**IV. Discussion of the Rejection under 35 U.S.C. Sec. 103(a) over Depui *et al.* in view of Makino *et al.***

Claims 20, 21, 23-26 and 28-32 stand rejected under 35 U.S.C. Sec. 103(a) as allegedly unpatentable over Depui *et al.* (U.S. Patent No. 6,365,184) in view of Makino *et al.* (U.S. Patent No. 5,026,560). Applicants respectfully traverse the rejection.

Applicants hereby incorporate their arguments with respect to Depui *et al.* from Secs. II and III above, which they believe prove that the cited art neither teaches nor suggests the present invention as set forth in the pending claims as amended.

The deficiencies of Depui *et al.* are not cured by Makino *et al.*

Independent claims 20, 21 and 32 have been amended. Applicants believe that the aspects of their invention as set forth in independent claims 20, 21 and 32 as amended are not rendered obvious by the combined teachings of the cited references.

By this amendment, claim 30 has been cancelled. Claims 23-26 depend upon claim 20; claims 28 and 29 depend upon claim 21 and claim 31 depends upon claim 32. Applicants submit that the more specific dependent claims are also not rendered obvious by the combined teachings of the cited references for the reason provided above.

Therefore Applicants respectfully request withdrawal of the 35 U.S.C. Sec. 103(a) rejection over Depui *et al.* in view of Makino *et al.*

**V. Discussion of the Rejection under 35 U.S.C. Sec. 103(a) over Depui *et al.* in view of Ohno *et al.***

Claims 20, 21, 23-26 and 28-32 stand rejected under 35 U.S.C. Sec. 103(a) as allegedly unpatentable over Depui *et al.* (U.S. Patent No. 6,365,184) in view of Ohno *et al.* (U.S. Patent No. 5,958,453). Applicants respectfully traverse the rejection.

Applicants hereby incorporate their arguments with respect to Depui *et al.* from Secs. II and III above, which they believe prove that the cited art neither teaches nor suggests the present invention as set forth in the pending claims.

The deficiencies of Depui *et al.* are not cured by Ohno *et al.*

Independent claims 20, 21 and 32 have been amended. Applicants believe that the aspects of their invention as set forth in independent claims 20, 21 and 32 as amended are not rendered obvious by the combined teachings of the cited references.

Claim 30 has been cancelled. Claims 23-26 depend upon claim 20; claims 28 and 29 depend upon claim 21 and claim 31 depends upon claim 32. Applicants submit that the more specific dependent claims are also not rendered obvious by the combined teachings of the cited references for the reason provided above.

Therefore Applicants respectfully request withdrawal of the 35 U.S.C. Sec. 103(a) rejection over Depui *et al.* in view of Ohno *et al.*

## **VI. Discussion of the Additionally Cited Art**

Applicants wish to thank the Examiner for bringing the additionally cited art of Mizumoto *et al* and Makino *et al*. to their attention. Applicants have carefully reviewed the references and do not believe that they detract from the patentability of the subject invention.

## VII. Conclusion

Reconsideration of the aspects of the invention as set forth in the pending claims as amended and allowance is requested.

Should the Examiner believe that a conference with Applicants' attorney would advance prosecution of this application, the Examiner is respectfully requested to call Applicants' attorney at (847) 383-3391.

Respectfully submitted,

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